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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,091		Kuriacose Joseph	05214.P001RD4	2849

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/OPEN TV  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402-0938

EXAMINER
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BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/903,091

Applicant(s)

JOSEPH ET AL.

Examiner

Reuben M. Brown

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 146-251, 254-258, 260-262, 265-273, 276-278, 280-281, 284-292, 294-299 & 301-313 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims pending in the application are 146-251,254-258,260-262,265-273,276-278,280,281,284-292,294-299 and 301-313.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims, filed 10/23/2003 have been considered but are moot in view of the new ground(s) of rejection. Amendments to the title are noted.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 146-251, 254-258, 260-262, 265-273, 276-278, 280-281, 284-292 & 294-299 & 301-313 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graczyk, (U.S. Pat # 5,192,999), in view of Lett, (U.S. Pat # 5,657,414).

Considering claims 246, 247, 257, 268, 269, 277, 285, 286, 298 & 299, the claimed TV system or method comprising 'a local computer collocated with and in communication with a client to allow the client to communicate with the local computer', reads on the disclosure of Graczyk, which is directed to a computerized TV system including a

personal computer and a TV circuit 46, within the same chassis; see Fig. 1; Abstract & col. 2, lines 10-22. The claimed client corresponds with the TV circuit 46, which is enabled to receive TV signals from an antenna or CATV connection, col. 5, lines 64-66.

Regarding the amended claimed feature, 'wherein the client further includes a client computer to process computer code, included in the application data, to facilitate interaction with a user', Graczyk teaches that the TV circuit is IBM PC-AT compatible and that it is configured to run under DOS, or a GUI, and that its possible uses includes interactive software, col. 9, lines 41-67. This disclosure clearly reads on the feature, 'to process computer code, included in the application data, to facilitate an interaction with a user'.

However, Graczyk does not explicitly teach that the tuner card 46 includes a microprocessor, which would read on a 'client computer'. Nevertheless Lett, which is in the same field of endeavor, teaches an upgrade for client system that includes a expansion card with a microprocessor, col. 8, lines 15-63. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the tuner card 46 of Graczyk with the feature of a microprocessor, at least for the desirable improvement of extending the capabilities of the main microprocessor, as taught by Lett.

Regarding the claimed feature of the client receiving data including auxiliary data and an auxiliary data processor, Graczyk does not discuss in detail the content of received TV signals.

Nevertheless, this feature is taught by Lett, which discloses inserting data, such as EPG data into an in-band channel, for instance VBI or HBI, col. 5, lines 15-35. In a known manner, the EPG data is displayed for the user, in order to assist in channel selection, and reads on the claimed 'application data'. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Graczyk with the feature of transmitting an EPG as auxiliary data, to a client device, as taught by Lett, at least for the desirable benefit of assisting the subscriber in program selection, displaying a list of programs on the TV screen.

As for the additionally claimed feature of a mass storage in communication with the client to enable the client to retrieve information from the mass storage, Graczyk teaches that the TV circuit may retrieve at least graphics/video data from a laser disk player, col. 5, lines 66-67. Also, Lett teaches that the expansion card 138 includes its own memory for storing additional program data, col. 8, lines 55-62. The expansion card 138 in Lett interacts with the main memory and microprocessor, in a manner that reads on the claimed subject matter.

Considering claims 248, 258, 270, 278, 287-288 & 301, col. 9, lines 50-62 of Graczyk discloses that video signals from TV circuit 46 may be mixed with graphics/video signals from host computer 24 and stored on a disk.

Considering claims 249-251, 260-262, 271-273, 280-281, 289-291 & 302-304, the host computer 24 of Graczyk, which is a personal computer, controls the processes within the multimedia computerized TV system, including the operation of the TV circuit 46. As for the

computer program received in the data, the subject matter reads on the interactive software operating on the tuner card 46 in Graczyk, which is controlled by the computer 24.

Considering claim 254-256, 265-267, 276, 284, 292, 294-297 & 305-311, the executable code reads on the interactive software operating on the TV tuner 46 in Graczyk.

Considering claims 312-313, the claimed machine-readable medium embodying a sequence of instructions that, when executed by a machine, causes the machine to perform functions that correspond with subject matter mentioned above in the rejection of claim 246, is likewise analyzed. As for the claimed, 'machine' the recitation reads on the TV tuner 46 in Graczyk.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Hendricks Teaches a upgrade card for TV tuning system that includes a microprocessor.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

